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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OKI AMERICA, INC., OKI ELECTRIC
INDUSTRY CO., LTD., OKI DATA
CORPORATION, OKI DATA AMERICAS,
INC., and OKI TELECOM, INC.,

Plaintiffs,

vs.

ADVANCED MICRO DEVICES, INC.,

Defendant.

Civil Action No. C04-03171-CRB

**NOTICE OF WITHDRAWAL OF
MOTION FOR PERMISSION TO SUBMIT
PORTION OF AMD MEDIATION
STATEMENT TO JAPANESE COURT
AND STIPULATED ORDER TO REMOVE
ITEM FROM PUBLIC DOCKET**

Date: January 27, 2006

Time: 10:00 a.m.

Dept.: Courtroom 8

The Honorable Charles R. Breyer

Complaint Filed: August 3, 2004

NOTICE OF WITHDRAWAL OF MOTION

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 7-7(e), Oki hereby withdraws, for the reasons explained below, the following motion: Oki's Notice of Motion and Motion For Permission to Disclose Portion of AMD Mediation Statement to Japanese Court (Document 130, filed Dec. 21, 2005).

AMD has informed Oki that AMD believes that the withdrawn motion contains information that AMD deems confidential and that the motion should therefore not have been filed in the public docket. At AMD's request, a Renewed Motion (substantially identical to the motion being withdrawn) was submitted to the Court under seal on December 23, 2005, pursuant Local Rule 79-5, in order to give AMD an opportunity to identify to the Court what it believes to be confidential information and to seek that the document be filed under seal rather than in the public docket. (Oki has requested that the Renewed Motion also be made available in the public docket, but submitted the Renewed Motion under seal in order to prevent disclosure of its contents until this Court has made a determination regarding whether the documents should be filed publicly or should instead be filed under seal. See Motion for Determination Whether Documents Should Be Filed Under Seal (Document 139, filed Dec. 23, 2005)) It is Oki's intention that the Renewed Motion, which has been noticed for January 27, take the place of the motion being withdrawn hereby.

Consistent with the course of action described above, in order to prevent the public disclosure of materials that might be deemed confidential, the parties further stipulate and agree, pursuant to Local Rules 7-11(a) and 7-12, that the withdrawn motion (Document 130) should be stricken from the public record. Doing so will preserve the confidentiality of the contents of the motion, while the Court considered whether the Renewed Motion should be filed in the public docket or should instead be filed under seal. A proposed order to that effect is included below.

1 Dated: December 28, 2005

Respectfully submitted.

2
3 KELLOGG, HUBER, HANSEN, TODD,
EVANS & FIGEL, PLLC

VINSON & ELKINS, LLP

4 By: /s/ J.C. Rozendaal
5 J.C. Rozendaal

By: /s/ Adam V. Floyd
Adam V. Floyd

6 Attorneys for Plaintiff
OKI AMERICA, INC. *et al.*

Attorneys for Defendant
ADVANCED MICRO DEVICES, INC.

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8 **STIPULATED ORDER TO REMOVE ITEM FROM PUBLIC DOCKET**

9 Pursuant to the stipulation of the parties, and it appearing that a substantially identical
10 motion (the "Renewed Motion") was lodged with the Court under seal pursuant to Local Rule 79-
11 5 on Dec. 23, 2005, so that the Court might determine whether the contents of the Renewed
12 Motion are suitable for inclusion in the public docket or should instead be filed under seal, it is
13 hereby

14
15 ORDERED that Oki's Notice of Motion and Motion for Permission to Disclose Portion of
16 AMD Mediation Statement to Japanese Court (Document 130, filed Dec. 21, 2005) shall be
17 stricken from the public record of these proceedings. The motion will be returned to Oki or
18 destroyed. And it is

19 FURTHER ORDERED that, for purposes of determining the briefing and argument
20 schedule for the Renewed Motion, the Renewed Motion will be deemed to have been filed on the
21 date that it was lodged with the Court, December 23, 2005.

22
23 **SO ORDERED.**

24 Dated: January 3, 2006

